

# SENATE BILL 826

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2lr1456

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By: **Senators Pipkin, Brinkley, Colburn, Getty, Glassman, Jacobs, Kittleman, and Shank**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Local and Regional Planning and Land Use Powers – Prohibition on**  
3 **Restriction**

4 FOR the purpose of prohibiting the Department of Planning, the Office of Smart  
5 Growth, the Special Secretary of Smart Growth, or the Smart Growth  
6 Subcabinet from adopting regulations or taking certain actions that restrict the  
7 planning and land use powers of certain local governments or regional planning  
8 agencies; and generally relating to the authority of the Department of Planning,  
9 the Office of Smart Growth, the Special Secretary of Smart Growth, and the  
10 Smart Growth Subcabinet.

11 BY adding to  
12 Article – State Finance and Procurement  
13 Section 5–312  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – State Government  
18 Section 9–1401  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2011 Supplement)

21 BY adding to  
22 Article – State Government  
23 Section 9–1407  
24 Annotated Code of Maryland  
25 (2009 Replacement Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – State Finance and Procurement**

4 **5–312.**

5 **NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT ADOPT**  
6 **ANY REGULATION OR TAKE ANY ACTION THAT RESTRICTS THE PLANNING AND**  
7 **LAND USE POWERS OF ANY LOCAL GOVERNMENT OR REGIONAL PLANNING**  
8 **AGENCY.**

9 **Article – State Government**

10 **9–1401.**

- 11 (a) In this subtitle the following words have the meanings indicated.
- 12 (b) “Office” means the Office of Smart Growth.
- 13 (c) “Special Secretary” means the Special Secretary of Smart Growth.
- 14 (d) “Subcabinet” means the Smart Growth Subcabinet.

15 **9–1407.**

16 **NOTWITHSTANDING ANY OTHER LAW, THE OFFICE, THE SPECIAL**  
17 **SECRETARY, OR THE SUBCABINET MAY NOT ADOPT ANY REGULATION OR TAKE**  
18 **ANY ACTION THAT RESTRICTS THE PLANNING AND LAND USE POWERS OF ANY**  
19 **LOCAL GOVERNMENT OR REGIONAL PLANNING AGENCY.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 June 1, 2012.